

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

GISELLE RUIZ,  
 Individually and on behalf of all others  
 Similarly situated,  
         Plaintiff,  
  
 v.  
  
 BALLY TOTAL FITNESS HOLDING CORP.,  
 A Delaware Corporation, and  
 HOLIDAY UNIVERSAL, INC.,  
 A Delaware Corporation,  
         Defendants.

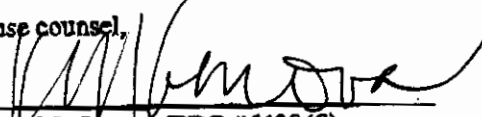
Civil Action No.05-11052 NMG

**LOCAL RULE 16.1(D)(3) CERTIFICATION OF DEFENDANTS**

Pursuant to Local Rule 16.1(D)(3), Defendants, Bally Total Fitness Holding Corporation (“Bally”) and Holiday Universal, Inc. (“Holiday”), certify that they have conferred with their counsel:

- (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4 (i.e., mini-trial, summary jury trial, mediation).

Defense counsel,

  
Howard M. Cooper (BBO #543842)  
Kathleen M. Genova (BBO # 563359)  
Todd & Weld LLP  
28 State Street, 31<sup>st</sup> Floor  
Boston, MA 02109  
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Bally Total Fitness Holding Corp.,

  
By: Earl J. Acquaviva, Jr.  
Its Authorized Representative

Holiday Universal, Inc.,

  
By: Earl J. Acquaviva, Jr.  
Its Authorized Representative

Dated: August 5, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within document was served upon counsel of record for the Plaintiff, ~~John F. Roddy, Jr., Esq., Roddy Klein & Ryan~~, 727 Atlantic Avenue, Boston, MA 02111, by sending a copy of the same to him by hand-delivery this 5<sup>th</sup> day of August, 2005.

  
Kathleen M. Genova